

21.09.2021
(S/L-10)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1561 of 2021

Capital Electronics and Appliances Limited
-Vs-
Smt. Kabita Basak & Anr.

Mr. Kushal Chatterjee,
Mr. Debabrata Ray,
... For the Petitioner.
Mr. Partha Pratim Roy,
Mr. Sanjib Dan,
... For the Opposite Parties.

The plaintiff in a suit under Section 6 of the Specific Relief Act, 1963 is the petitioner of the present application under Article 227 of the Constitution of India which is directed against the order no. 16 dated August 13, 2021 passed by the 1st Court of learned Civil Judge (Senior Division) at Barasat, District 24 Parganas (North) in the said suit being Title Suit no. 427 of 2020.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner, inter alia, praying for an order of injunction restraining the defendants/opposite parties from transferring, selling, letting out or handing over possession of the suit property or any part thereof to any third party/stranger.

Mr. Partha Pratim Roy, learned advocate appearing on behalf of the defendants/opposite

parties files supplementary affidavit, which is taken on record wherein it has been disclosed that the suit property has already been given to one M/s. RJS Matri Food and Beverages, a Partnership Firm having its registered office at P-317, C.I.T Scheme –VI M, P.O. Kankurgachi, P.s. Phoolbagan, Kolkata – 700054 in lease for a period from April 1, 2021 to March 31, 2033.

In view of creation of such third party interest in the suit property, the order of injunction, as prayed for, cannot be considered at this stage.

However, it is made clear the defendants/opposite parties are required to take leave of the Court before creating any further third party interest in respect of suit property.

C.O. 1561 of 2021 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)